All Foods Sold in Schools

USDA's "Smart Snacks in Schools" Proposal

The USDA recently proposed practical, science-based nutrition standards for snack foods and beverages sold to children at school during the school day. The proposed standards, required by the Healthy, Hunger-Free Kids Act of 2010, will allow schools to offer healthier snack foods for children, while limiting junk food. The proposed standards, coupled with the improvements to school lunches implemented last fall, will ensure that kids are offered only tasty and nutritious food options at school.

- o Rather than offer a single approach, the proposal offers alternatives in several areas. The USDA is seeking comments on how best to preserve flexibility for schools in an updated healthy environment. Before the rule goes into effect, the public has an opportunity to comment on the proposed standards.
- o Public comment from students, parents, school food staff, school administrators, State agencies and other interested parties is a very important step in the regulatory process. It helps the USDA further refine the proposal into the final requirements that will become effective no earlier than one full school year after an implementing rule is published.

Definitions

Provisions apply to all foods sold—

- Outside the school meals programs:
 - Foods not part of National School Lunch Program (NSLP), School Breakfast Program (SBP), After School Snack Program (ASSP), etc.
- On the school campus:
 - All areas of the property under the jurisdiction of the school that are accessible to students during the school day
- o At any time during the school day:
 - Period from the midnight before, to 30 minutes after the end of the official school



Nutrition Standards for Beverages

Under the proposal, **Elementary and Middle Schools** may sell:

- Plain water (no size limit)
- Plain low fat milk (less than or equal to 8 oz)
- Plain or flavored fat-free milk and milk alternatives permitted by NSLP/SBP (less than or equal to 8 oz)
- 100% fruit or vegetable juice (less than or equal to 8 oz)
- No caffeinated beverages

Under the proposal, **High Schools** may sell:

- Plain water (no size limit)
- Plain low fat milk (less than or equal to 12 oz)
- Plain or flavored fat-free milk and milk alternatives permitted by NSLP/SBP (less than or equal to 12 oz)
- 100% fruit or vegetable juice (less than or equal to 12 oz)

Not during meal service, High Schools may also sell (all may have caffeine):

- Calorie-free, flavored and/or unflavored carbonated water (less than or equal to 20 oz)
- Other "calorie-free" beverages that comply with the FDA standard of less than 5 calories per serving (less than or equal to 20 oz)
- Lower-calorie beverages ≤ 40 **OR** ≤ 50 calories per 8 oz serving (less than or equal to 12 oz)

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Nutrition Standards for Foods

Under the proposal, any food sold in schools must:

• Be either a fruit, a vegetable, a dairy product, a protein food, a "whole-grain rich" grain product (50% or more whole grain), or a combination food that contains at least 1/4 cup of fruit or vegetable;

OR

• Naturally contain 10% of the Daily Value (DV) of a nutrient cited as a public health concern in the 2012 Dietary Guidelines for Americans (DGA) (calcium, potassium, vitamin D, or dietary fiber).

Foods sold must also meet a range of nutrient requirements:

- Calorie limits include:
 - o Snack items: ≤ 200 calories
 - o Entrée items: ≤ 350 calories
- Sodium limits include:
 - o Snack items: ≤ 200 mg per portion as packaged
 - Entrée items: ≤ 480 mg per portion as packaged
- Fat limits include:
 - Total fat: ≤ 35% of calories
 - Saturated fat: < 10% of calories
 - o Trans fat: zero grams
- Sugar limits include either:
 - ≤ 35% of calories from total sugars in foods **or**
 - ≤ 35% of weight from total sugars in foods
- It is proposed that accompaniments be pre-portioned and included in the nutrient profile as a part of the item served.

Options for foods subject to NSLP or SBP regulation that are sold a la carte:

Fundraisers

- The sale of food items that meet proposed nutrition requirements at fundraisers would not be limited in any way under the proposed rule.
- In addition, the law permits the USDA to allow for a limited number of fundraisers to sell food and beverage items that do not meet the proposed nu-
- The proposal includes two alternative approaches that provide discretion to State agencies in determining the frequency with which fundraising activities take place and requests other suggestions.
- The proposed standards would not apply to nonschool hours, weekends and off-campus fundraising events.

Recordkeeping and Monitoring

- Responsibility for compliance must include both the school food service and the school governing
- The state agency will monitor for compliance through administrative reviews.
- Violations will require a plan for changes to be put into place.



- NSLP/SBP menu items subject only to fat and sugar standards with no timeframe restrictions
- OR o NSLP/SBP menu items exempt completely, but subject to specific timeframe restrictions (2 additional options):
 - Exempt only on the same day that the items were served
 - Exempt if served within 4 operating days of having been served in school meals
- *Grain-based desserts would not be exempt and would have to meet all the standards to be sold a la carte.

WHERE TO COMMENT ON THE PROPOSED RULE:

http://www.regulations.gov/#!docketDetail;D=FNS-2011-0019

or by mail to:

Julie Brewer

Chief, Policy and Program Development Branch Child Nutrition Division, Food and Nutrition Service P.O. Box 66874

Comments due by April 9, 2013.